

employee, or take any other action that adversely affects any term, condition, or privilege of the employee's employment as a result of the genetic test.

Approved April 13, 1992

CHAPTER 1060

DEGREES OF PROPERTY OFFENSES

S.F. 2266

AN ACT relating to the property offenses of theft, fraudulent practices, false use of a credit card, criminal mischief, computer damage, and computer theft, and changing the dollar values of the property involved in order to commit various degrees of these offenses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 714.2, Code 1991, is amended to read as follows:

714.2 DEGREES OF THEFT.

1. The theft of property exceeding five ten thousand dollars in value, or the theft of property from the person of another, or from a building which has been destroyed or left unoccupied because of physical disaster, riot, bombing, or the proximity of battle, or the theft of property which has been removed from a building because of a physical disaster, riot, bombing, or the proximity of battle, is theft in the first degree. Theft in the first degree is a class "C" felony.

2. The theft of property exceeding five hundred one thousand dollars but not exceeding five ten thousand dollars in value or theft of a motor vehicle as defined in chapter 321 not exceeding five ten thousand dollars in value, is theft in the second degree. Theft in the second degree is a class "D" felony. However, for purposes of this subsection, "motor vehicle" does not include a motorized bicycle as defined in section 321.1, subsection 3, paragraph "b".

3. The theft of property exceeding one five hundred dollars but not exceeding five hundred one thousand dollars in value, or the theft of any property not exceeding one five hundred dollars in value by one who has before been twice convicted of theft, is theft in the third degree. Theft in the third degree is an aggravated misdemeanor.

4. The theft of property exceeding fifty one hundred dollars in value but not exceeding one five hundred dollars in value is theft in the fourth degree. Theft in the fourth degree is a serious misdemeanor.

5. The theft of property not exceeding fifty one hundred dollars in value is theft in the fifth degree. Theft in the fifth degree is a simple misdemeanor.

Sec. 2. Section 714.9, Code 1991, is amended to read as follows:

714.9 FRAUDULENT PRACTICE IN THE FIRST DEGREE.

Fraudulent practice in the first degree is a fraudulent practice where the amount of money or value of property involved exceeds five ten thousand dollars.

Fraudulent practice in the first degree is a class "C" felony.

Sec. 3. Section 714.10, Code 1991, is amended to read as follows:

714.10 FRAUDULENT PRACTICE IN THE SECOND DEGREE.

Fraudulent practice in the second degree is the following:

1. A fraudulent practice where the amount of money or value of property or services involved exceeds five hundred one thousand dollars but does not exceed five ten thousand dollars.

2. A fraudulent practice where the amount of money or value of property or services involved does not exceed five hundred one thousand dollars by one who has been convicted of a fraudulent practice twice before.

Fraudulent practice in the second degree is a class "D" felony.

Sec. 4. Section 714.11, subsection 1, Code 1991, is amended to read as follows:

1. A fraudulent practice where the amount of money or value of property or service involved exceeds ~~one~~ five hundred dollars but does not exceed ~~five hundred one thousand~~ one thousand dollars.

Sec. 5. Section 714.12, Code 1991, is amended to read as follows:

714.12 FRAUDULENT PRACTICE IN THE FOURTH DEGREE.

Fraudulent practice in the fourth degree is a fraudulent practice where the amount of money or value of property or services involved exceeds ~~one~~ fifty one hundred dollars but does not exceed ~~one~~ five hundred dollars.

Fraudulent practice in the fourth degree is a serious misdemeanor.

Sec. 6. Section 714.13, Code 1991, is amended to read as follows:

714.13 FRAUDULENT PRACTICE IN THE FIFTH DEGREE.

Fraudulent practice in the fifth degree is a fraudulent practice where the amount of money or value of property or services involved does not exceed ~~one~~ fifty one hundred dollars.

Fraudulent practice in the fifth degree is a simple misdemeanor.

Sec. 7. Section 715A.6, subsection 2, Code 1991, is amended to read as follows:

2. An offense under this section is a class "D" felony if the value of the property or services secured or sought to be secured by means of the credit card is greater than ~~five hundred one thousand~~ one thousand dollars, otherwise the offense is an aggravated misdemeanor.

Sec. 8. Section 716.3, Code 1991, is amended to read as follows:

716.3 CRIMINAL MISCHIEF IN THE FIRST DEGREE.

Criminal mischief is criminal mischief in the first degree if the cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed is ~~more than five ten~~ more than five ten thousand dollars, or if such acts are intended to or do in fact cause a substantial interruption or impairment of service rendered to the public by a gas, electric, steam or waterworks corporation, telephone or telegraph corporation, common carrier, or a public utility operated by a municipality. Criminal mischief in the first degree is a class "C" felony.

Sec. 9. Section 716.4, Code 1991, is amended to read as follows:

716.4 CRIMINAL MISCHIEF IN THE SECOND DEGREE.

Criminal mischief is criminal mischief in the second degree if the cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds ~~five hundred one thousand~~ five hundred one thousand dollars but does not exceed ~~five ten~~ five ten thousand dollars. Criminal mischief in the second degree is a class "D" felony.

Sec. 10. Section 716.5, unnumbered paragraph 1, Code 1991, is amended to read as follows:

Criminal mischief is criminal mischief in the third degree if the cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds ~~two five~~ two five hundred dollars, but does not exceed ~~five hundred one thousand~~ five hundred one thousand dollars, or if the property is a deed, will, commercial paper or any civil or criminal process or other instrument having legal effect, or if the act consists of rendering substantially less effective than before any light, signal, obstruction, barricade, or guard which has been placed or erected for the purpose of enclosing any unsafe or dangerous place or of alerting persons to an unsafe or dangerous condition. Criminal mischief in the third degree is an aggravated misdemeanor.

Sec. 11. Section 716.6, Code 1991, is amended to read as follows:

716.6 CRIMINAL MISCHIEF IN THE FOURTH AND FIFTH DEGREES.

Criminal mischief is criminal mischief in the fourth degree if the cost of replacing, repairing, or restoring the property so damaged, defaced, altered, or destroyed exceeds one hundred dollars, but does not exceed ~~two~~ five hundred dollars. Criminal mischief in the fourth degree is a serious misdemeanor. All criminal mischief which is not criminal mischief in the first degree, second degree, third degree, or fourth degree is criminal mischief in the fifth degree. Criminal mischief in the fifth degree is a simple misdemeanor.

Sec. 12. Section 716A.4, Code 1991, is amended to read as follows:

716A.4 COMPUTER DAMAGE IN THE FIRST DEGREE.

Computer damage is computer damage in the first degree when the damage results in a loss of property or services of more than five ten thousand dollars. Computer damage in the first degree is a class "C" felony.

Sec. 13. Section 716A.5, Code 1991, is amended to read as follows:

716A.5 COMPUTER DAMAGE IN THE SECOND DEGREE.

Computer damage is computer damage in the second degree when the damage results in a loss of property or services of more than five hundred one thousand dollars but not more than five ten thousand dollars. Computer damage in the second degree is a class "D" felony.

Sec. 14. Section 716A.6, Code 1991, is amended to read as follows:

716A.6 COMPUTER DAMAGE IN THE THIRD DEGREE.

Computer damage is computer damage in the third degree when the damage results in a loss of property or services of more than one five hundred dollars but not more than five hundred one thousand dollars. Computer damage in the third degree is an aggravated misdemeanor.

Sec. 15. Section 716A.7, Code 1991, is amended to read as follows:

716A.7 COMPUTER DAMAGE IN THE FOURTH DEGREE.

Computer damage is computer damage in the fourth degree when the damage results in a loss of property or services of more than fifty one hundred dollars but not more than one five hundred dollars. Computer damage in the fourth degree is a serious misdemeanor.

Sec. 16. Section 716A.8, Code 1991, is amended to read as follows:

716A.8 COMPUTER DAMAGE IN THE FIFTH DEGREE.

Computer damage is computer damage in the fifth degree when the damage results in a loss of property or services of not more than fifty one hundred dollars. Computer damage in the fifth degree is a simple misdemeanor.

Sec. 17. Section 716A.10, Code 1991, is amended to read as follows:

716A.10 COMPUTER THEFT IN THE FIRST DEGREE.

Computer theft is computer theft in the first degree when the theft involves or results in a loss of services or property of more than five ten thousand dollars. Computer theft in the first degree is a class "C" felony.

Sec. 18. Section 716A.11, Code 1991, is amended to read as follows:

716A.11 COMPUTER THEFT IN THE SECOND DEGREE.

Computer theft is computer theft in the second degree when the theft involves or results in a loss of services or property of more than five hundred one thousand dollars but not more than five ten thousand dollars. Computer theft in the second degree is a class "D" felony.

Sec. 19. Section 716A.12, Code 1991, is amended to read as follows:

716A.12 COMPUTER THEFT IN THE THIRD DEGREE.

Computer theft is computer theft in the third degree when the theft involves or results in a loss of services or property of more than one five hundred dollars but not more than five hundred one thousand dollars. Computer theft in the third degree is an aggravated misdemeanor.

Sec. 20. Section 716A.13, Code 1991, is amended to read as follows:

716A.13 COMPUTER THEFT IN THE FOURTH DEGREE.

Computer theft is computer theft in the fourth degree when the theft involves or results in a loss of services or property of more than fifty one hundred dollars but not more than one five hundred dollars. Computer theft in the fourth degree is a serious misdemeanor.

Sec. 21. Section 716A.14, Code 1991, is amended to read as follows:

716A.14 COMPUTER THEFT IN THE FIFTH DEGREE.

Computer theft is computer theft in the fifth degree when the theft involves or results in a loss of services or property of not more than fifty one hundred dollars. Computer theft in the fifth degree is a simple misdemeanor.

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CHAPTER 1061**EXEMPTIONS FROM EXECUTION — PENSIONS AND ANNUITIES***S.F. 2275*

AN ACT relating to the exemption from execution for a debtor's rights in a payment under a pension, annuity, or similar plan or contract and providing retroactive and effective dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 627.6, subsection 8, paragraph e, Code 1991, is amended to read as follows:

e. A payment or a portion of a payment under a pension, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, ~~to the extent reasonably necessary for the support of the debtor and any dependent of the debtor unless the payment or a portion of the payment results from contributions to the plan or contract by the debtor within one year prior to the filing of a bankruptcy petition, which contributions are above the normal and customary contributions under the plan or contract, in which case the portion of the payment attributable to the contributions above the normal and customary rate is not exempt.~~

Sec. 2. **RETROACTIVE APPLICABILITY PROVISION.** This Act applies retroactively to January 1, 1992, and applies to bankruptcy matters pending on or after January 1, 1992.

Approved April 13, 1992

CHAPTER 1062**CONSUMER FRAUD***S.F. 2276*

AN ACT relating to consumer fraud and providing penalties and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 82.6, Code 1991, is amended to read as follows:

82.6 PENALTY.

1. Any seller who violates the provisions of this chapter shall be guilty of a simple misdemeanor.

2. A violation of this chapter is a violation of section 714.16, subsection 2, paragraph "a".

Sec. 2. Section 203B.5, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 5. A violation of this chapter is a violation of section 714.16, subsection 2, paragraph "a".